



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/694,718

10/29/2003

Lee Blackman

4027

Lee Blackman  
601 Park Place  
Brooklyn, NY 11238

7590

07/10/2008

EXAMINER

LE, THIEN MINH

ART UNIT

PAPER NUMBER

2887

MAIL DATE

DELIVERY MODE

07/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,718	<b>Applicant(s)</b> BLACKMAN, LEE	
	<b>Examiner</b> THIEN M. LE	<b>Art Unit</b> 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The amendment filed on 3/25/2008 has been entered. Claim 12 has been canceled. Claims 1-11 and 13-21 are presented for examination.

As a preliminary matter, the claims are non in proper format and having multiple informalities. The examiner respectfully recommends to cancel the current set of claims and to rewrite them in the manner as suggested by the examiner. Since applicant is a pro-se applicant, the examiner has not made this Office Action Final (end of prosecution). Applicant is respectfully recommended to communicate with the examiner of record for just two sample system and method claims prior to presenting any further set of claims.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11, and 13-21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) Claim 1:

(a) Claim 1 as amended:

1. (Currently amended) An apparatus for implementing Disposable Financial Tools (DFT), comprising:

a a DFT/IEI payment gateway and or payment register for customer (DFTuser) entered to enter drone, check or exit number and billing data;

a customer and merchant establishing an account with the issuer of disposable financial tools;

customer using a checking, savings or credit card account to establish DFT account and the merchant using a deposit account to establish a DFT account;

a central number as or Queen/Q) number) is assign to the issuer of the customer checking, saving or credit card account routing (ABA) number on the DFT/IEI network database;

a specific working life numbers (drone, exit, E, sleek, secondary numbers) is assign to the customer account;

when come together they form a bundled number (queen and drone number);

and the bundled number and or drone number are printed and distributed on check style formatted cards and or cards carrying the Caribbean countries flag and or Caricom

countries flag or a distributed on a portable remote electric financial apparatus as in the form of drone number, exit number and bundled number;

a private network (Iei/DFTnetwork) with at least two database for housing customer drone and bundled

number mad the provided establish financial account number that would be billed when a customer used a drone or bundled number..

(b) Sample claim 1 has been provided to applicant during a series of email communications.

**(2) Claim 2:**

(a) Claim 2 as presented in the amendment:

2. (Currently amended) An apparatus for queen number making payments or purchase with multiple accounts and or multiple issuers;

using a three to four digit number representing the issuing bank or lender on IEl/private network;

a drone number entered by end user must be the same and or exactly the matching number those on the IEI network and or Banking system network in order to be approved for the drone (exit) number to be place in inactive mode on the IEI network and or the banking network;

merchant does not store up IEIcard Queen numbers and does not have any access to the IEI user account number on the lender network or web site..

(b) Claim 2:

(i) An apparatus for queen number making payments or purchase with multiple accounts and or multiple issuers;

- The preamble of the claim should be rewritten as follow:

"An apparatus for queen number making payments or purchase with multiple accounts and or multiple issuers comprising:"

- Further, the phrase "An apparatus for queen number making payments" appeared indefinite. The text of the claim does not even defining a queen numer.

(ii) using a three to four digit number representing the issuing bank or lender on IEI/private network;

This step is not presenting a limitation for an apparatus. It should be rewritten as follow:

“a three to four digit number representing the issuing bank or lender on  
IEI/private network;”

(iii) a drone number entered by end user must be the same and or exactly the matching  
number those on the IEI network and or Banking system network in order to be  
approved for the drone (exit) number to be place in inactive mode on the IEI network  
and or the banking network;

(iv) merchant does not store up IEI card Queen numbers and does not have any access  
to the IEI user account number on the lender network or web site..

- Applicant should be consistent with the claim language. For example, the text of  
the claim does not recite the term "IEIcard Queen numbers" until the last  
limitation. This is very confusing. The term "IEIcard Queen numbers" should  
be used from the preamble (the introduction phrase of the claim) and the body of  
the claim consistently.
- Furhter, claim 2 appear to be very broad in scope. Because the apparatus claim  
is defined by the "structure" rather than its functions. The claim is practically  
read as follow:

A system comprising:

a three to four digit number;

a “drone” number;

a merchant.

It is noted that this claim, as presented would virtually read on any system involving at least two numbers and a customer.

Applicant should be aware of the scope of the limitations presented in the claim. A system or an apparatus claim would includes for example: a three to four digit number, a drone number, a unit for doing something with the 3/4 digit number, a unit for working with the drone number; a controller (for example) that operates to run those two units; a merchant somehow involving in the process.

### **Claim 3**

#### (a) Claim 3 as presented in the amendment:

3. (Currently amended) An apparatus for an lei card web template payment gateway, showing where a purchaser can view the merchant license number and or other form of identifying a merchant on an lei/other payment gateway with their phone number and address of the licensee (merchant); and or check the authenticity of the license and or ID number of the merchant/payee on the Internet; merchants have the capability to choose the license and or other form to identify them on IEI payment gateway/network, using numbers or combination of letters and numbers to obtain said license/merchant or payee ID and or have the license merchant or payee ID (LMI/LMID) assign to them.

#### (b) Claim 3:

- The preamble of the claim is not separated from the body (text) of the apparatus claim, making it very confusing and it is not able to determine whether it is just the preamble



(an introduction of the claim, what type of apparatus, etc.) or some other limitations are intended for examination.

- The first part of the claim should be rewritten as follows: ""An apparatus for an lei card web template payment gateway comprising:"

**“showing where a purchaser can view the merchant license number and or other form of identifying a merchant on an lei/other payment gateway with their phone number and address of the licensee (merchant);”**

- This limitation is not drawing to an element, a structure that is required for an apparatus claim. In fact, it is appeared to be just like a mental step or a method step.
- The correct way for presenting this limitation should be the identification of the elements or units performing these functions.

**“and or check the authenticity of the license and or ID number of the merchant/payee on the Internet;”**

- See the discussions regarding the previous mental or method step in an apparatus claim.

**“merchants have the capability to choose the license and or other form to identify them on IEI payment gateway/network, using numbers or combination of letters and numbers to obtain said license/merchant or payee ID and or have the license merchant or payee ID (LMI/LMID) assign to them.”**

- See the discussions regarding the previous mental or method step in an apparatus claim.

#### **Claim 4**

(a) Claim 4 as presented by the amendment

4. (Currently amended) An apparatus for an electronic web card and electronic checkbook apparatus carrying out internet transaction by user entering the drone or bundled number manually from said electronic financial apparatus onto the IEI network payment gateway and or banking network as a built in safety in order to access a cash and or credit account for payment or charge back in an internet transaction; without using the account issuer/bank web site as a payment gateway and or as an entry point to a payment.

- See the discussions regarding claims 2-3. This claim is appeared to be an introduction of a system without presenting any structural limitations.

#### **Claim 5**

(a) Claim 5 as presented by the amendment:

Art Unit: 2887

5. An apparatus of for sleek check, working 50% like a check and 50 % like a credit card in order to access its account;

a check without the payee endorsing the check, neither deposit it in order for the payee to be paid;

a midget check with magnetic strip covering its financial data;

a gift card (sleek card Gift card) pre-issued to an account holder and for account holder to reissue and writes recipient or third party name and dollar amount on the card;

a gift card/gift check (sleek G) expiration date is issued by the account holder instead of the account issuer;

the sleek check has the capability to be added to /on conventional checking system account/check by placing bundled and or Drone number on conventional check;

a gift card from a financial account, issued or reissued by the account holder and retain its value until first use;

a used or void box printed on it/DFT for cashier to check void/used when card is used;

an accountholder activating the dollar amount with the sleek card gift card number using a phone, ATM and or the internet;

an account issuer (DFT) would pre issue each financial account with at least one sleek girl card to the accountholder;

the person receiving the Sleek-G will write his signature next to authorized signature;

a Sleek-G (gift card) is used until the value is used up without any penalty added for none usage; and comes with a pre value amount set by the account issuer, in blank form or without a dollar value amount added to the card when pre issue to an account holder.

(b) Claim 5:

**This claim is a proper apparatus claim (still with some very minor informalities).**

**"An apparatus of for sleek check, working 50% like a check and 50 % like a credit card in order to access its account;"**

- The term "comprising" usually used in the preamble (introductory phrase) of the claim in order to separate the preamble and the body (limitations or features) of the claim.
- the term "working 50% like" is especially avoided in patent claim language since it is inferential phrase that is presenting no bounds for reasonable interpretations.

Thus the preamble should be rewritten as follows:

**"An apparatus of for sleek check, working as a a check and a credit card in order to access its account"**

- "a check;  
a midget check;  
a gift card/gift check (sleek G);"

→ the sleek check

a check = the "sleek" check ?

a midget check = the "sleek" check ?

a gift card/gift check = the "sleek" check ?

a gift card;

a gift card/gift check

-> a gift card from a financial account;

a gift card = a gift card ? (should be referring to as "the" gift card" when mentioned the second time, and so on."

a gift card/gift check = "the" gift card?

Consistency in claim language is required for examination and consideration of these limitations and features.

- "internet" should be rewritten as "Internet".

## Claim 6

(a) Claim 6 as presented in the amendment and as reviewed:

6. (Currently amended) The method for portable electronic financial apparatus comprising the steps:

carrying embedded unique financial numbers for credit card, Web card, check book/check numbers and or other account numbers;

[(i) this step is correct method step – starting with a method step: "carrying"; (ii) please note that "comma" after the term "for" is deleted)]

[u] the said numbers/some of the numbers are displayed on the said device;

[(i) this step is somewhat confusing, it should be added with the term "wherein said unique financial numbers" or "wherein the unique financial number"; (ii) please delete the phrase "some of the numbers" because it is relating to "no bounds for reasonable interpretations"; every limitation should be clearly defined.]

Art Unit: 2887

the said device apparatus and or payment gateway has capability a two way to exchange information with each other and update VIA Internet, PC, payment register gateway and or other check in/checkout gateway;

[(i) the term "the said" should be just "the" or "said"; (ii) inconsistent claim limitation: the term "payment gateway" has not been introduced before; (iii) the step is not a method step and "wherein" should be added to the very beginning "wherein the financial apparatus" or "wherein said financial apparatus" should be used – noted that applicant used "financial apparatus" not "device" in the preamble (very first phrase).]

end user will ~~enter~~ also has the capability to **put in/insert** the total/value amount purchase/paying (paid) and or deposit amount on the said remote apparatus/checkbook device before and or after the device sends the Drone/exit, bundled, check, and or other numbers to the payment gateway/register and or other check in/checkout gateway/register;

[should it be the steps of: (i) inputting the numbers, data,; (ii) depositing on the "remote" (not mentioned before) apparatus; (iii) sending ???]

the purchase amount **will automatically be received/send** back onto the said end user portable electronic financial apparatus with the seller/merchant name and or license number (ID);

[(i) ["automatically receiving/sending the purchase amount to or from ... " ]

if when a check/card is used in the transaction, the check number and or the word used, end, and or paid would/may display on the apparatus viewable screen waiting for the end user to press/touch the save/record (S/R) button to record/save the used check/check number and the cash amount purchase/paid on the portable electronic checkbook apparatus, depending on the version;

[ (i) please as "wherein" in front of the method step"]

the check number and amount **will automatically be recorded** on the portable electronic checkbook apparatus remotely or remote electronic financial apparatus checkbook;

[ (i) "automatically recording the check number and amount ...."; (ii) this step is a structure limitation, not a method step as currently written).]

the clear/remove (C/R) button is press/touch **to clear** the viewable screen and or used Drone (exit/check) number;

Art Unit: 2887

[(i) clearing the viewable screen with the clear/remove (C/R) button; (ii) as currently written, it is a structural limitation of an apparatus claim, not a method step.]

the device also has the capability of **going into hibernated** mode or sleep mode after pay/sent is press or touch;

[(i) “going into hibernated mode ...”];]

if the hold button is not touch/press before pay/sent is touch/press;

[see above]

the said remote electronic financial apparatus is a portable electronic financial apparatus having the capability of Internet access update/download and voice/talk VIA Internet with or without remote function.

[see above]

For similar reasons claims 7-11 and 13-21 are rejected.

- Please delete the “copy right” phrase at the end of the claims. Every communication, written record, paper submitted to the Patent Office is considered confidential until a patent is granted.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIEN M. LE whose telephone number is (571)272-2396. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve S. Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thien M. Le/  
Primary Examiner, Art Unit 2887